

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHELSEA COMMODORE and RAKEEDHA
SCARLETT, individually and on behalf of all
others similarly situated,

Plaintiffs,

- against -

H&M HENNES & MAURITZ LP,

Defendant.

Civil Action No.: 7:22-cv-06247-CS

**DEFENDANT’S MOTION TO DISMISS AND/OR STRIKE THE FIRST AMENDED
COMPLAINT**

Defendant H&M Hennes & Mauritz LP (“H&M”), by its attorneys, pursuant to Fed. R. Civ. P. 12(b)(6), hereby moves pursuant to Rules 12(b)(1), (b)(6), and (f) of the Federal Rules of Civil Procedure, for an order dismissing Plaintiffs Chelsea Commodore (“Commodore”) and Rakeedha Scarlett’s (“Scarlett”) (collectively, “Plaintiffs”) First Amended Complaint (“FAC”) in its entirety. Each of Plaintiffs’ four claims asserted against H&M are insufficiently pled. However, should the Court decline to dismiss any of the claims outright, H&M moves to strike Plaintiffs’ request for injunctive relief and nationwide class allegations.

WHEREFORE, for the reasons set forth in this Motion and in the accompanying Memorandum, H&M respectfully requests that the Court dismiss Plaintiffs’ claims with prejudice and without further leave to amend or, in the alternative, to strike Plaintiffs’ request for injunctive relief and nationwide class allegations.

New York, New York
February 21, 2023

NIXON PEABODY LLP

By: /s/ Erin T. Huntington
Staci Jennifer Trager (*pro hac vice*)
300 S. Grand Avenue, Suite 4100
Los Angeles, CA 90071-3151
Tel.: (213) 629-6041
strager@nixonpeabody.com

Erin T. Huntington
677 Broadway
Albany, New York 12207
Tel.: (518) 427-2650
ehuntington@nixonpeabody.com

Carlo F. Bustillos (*pro hac vice* pending)
One Embarcadero Center, 32nd Floor
San Francisco, CA 94111
Tel.: (415) 984-8448
cbustillos@nixonpeabody.com

*Attorneys for Defendant H&M Hennes &
Mauritz LP*